

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOHN W. TOLSON,

Plaintiff,

-against-

CITY OF SCHENECTADY  
and THOMAS P. DELANEY

Defendants.

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**STIPULATION OF DISMISSAL**  
**Fed. R. Civ. P. 41(a)(1)(ii)**

Docket No. 05-CV-0092

IT IS STIPULATED, by all parties to this action, through their counsel of record and subject to the approval of the Court:

1. All claims presented by the complaint and all counterclaims in this action shall be dismissed without prejudice as to all parties pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.

2. Each party shall bear his or its own costs and attorney's fees.

Dated: September 9, 2005

For the plaintiff John W. Tolson:

DAVID BRICKMAN, ATTORNEY AT LAW

By: 

David Brickman, Attorney at Law  
1664 Western Avenue  
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(518) 464-6464

Dated: September 8, 2005

For the defendants City Of Schenectady and Thomas P. Delaney:

ALFRED L. GOLDBERGER, ESQ.  
OFFICE OF THE CORPORATION COUNSEL

By: 

L. John Van Norden, Esq. *FB2 No. 102758*  
Deputy Corporation Counsel  
City Hall - 105 Jay Street Room 201  
Schenectady, New York 12305-1938  
(518) 382-5073

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOHN W. TOLSON,  
Plaintiff,

**PROPOSED ORDER**

-against-

Docket No. 05-CV-0092

CITY OF SCHENECTADY  
and THOMAS P. DELANEY,

Defendants.


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The Court has reviewed the Stipulation of Dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(ii) and finds it to be in order and in the interests of justice in this matter. Therefore,

IT IS ORDERED that:

1. This action is dismissed without prejudice; and
2. Each party bears his or its own costs.

Dated: September 16, 2005

  
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HON. GARY L. SHARPE  
UNITED STATES DISTRICT COURT JUDGE